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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 THE REGENTS OF THE UNIVERSITY OF
15 CALIFORNIA, *et al.*,

16 Plaintiffs,

17 v.

18 U.S. DEPARTMENT OF HOMELAND
19 SECURITY, *et al.*,

20 Defendants.

Case No. 17-cv-05211-WHA
Case No. 17-cv-05235-WHA
Case No. 17-cv-05329-WHA
Case No. 17-cv-05380-WHA
Case No. 17-cv-05813-WHA

21 **STIPULATION AND ~~PROPOSED~~ ORDER**

1 Subject to the Court's approval, all parties, through their undersigned counsel of record,
2 hereby stipulate as follows:

3 1. At midnight on September 30, 2025, the appropriations act that had been funding
4 the Department of Justice expired and appropriations to the Department lapsed. The same is true
5 for other Executive Branch agencies, including the Department of Homeland Security. The date
6 when funding will be restored by Congress is unknown.

7 2. Defendant has conveyed the following to Plaintiff:

8 a. The Anti-Deficiency Act, 31 U.S.C. §1341, as construed by the Attorney General,
9 provides that in the absence of appropriated funds no obligation can be incurred except for the
10 protection of life and property, the orderly suspension of operations, or as otherwise authorized by
11 law. Absent an appropriation, Department of Justice attorneys are prohibited from working, even
12 on a volunteer basis, "except for emergencies involving the safety of human life or the protection
13 of property." 31 U.S.C. § 1342. An officer or employee of the United States who violates 31
14 U.S.C. § 1341(a) (obligate/pend in excess or advance of appropriation), § 1342 (voluntary
15 services prohibition), or § 1517(a) (obligate/pend in excess of an apportionment or
16 administrative subdivision as specified in an agency's regulations) "shall be subject to appropriate
17 administrative discipline including, when circumstances warrant, suspension from duty without
18 pay or removal from office." 31 U.S.C. §§ 1349(a), 1518.

19 b. Undersigned counsel has now been furloughed for the duration of the lapse in
20 appropriations, except to the extent necessary to carry out activities that are excepted from the
21 statutory requirements above. Undersigned counsel is therefore not permitted to work on this
22 matter during the lapse in appropriations.

23 3. The parties therefore request a stay of the obligation to file joint status reports in
24 this matter until Congress has restored appropriations to the Department of Justice. The parties
25 further request that all deadlines in this case be extended for a period of time commensurate with
26 the duration of the lapse in appropriations—*i.e.*, each deadline would be extended by the total
27 number of days of the lapse in appropriations.

1 4. If this motion is granted, counsel for the United States will promptly notify the
2 Court as soon as appropriations are restored.

3 IT IS SO STIPULATED.
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1 Dated: October 1, 2025

Respectfully submitted,

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Civil Division

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* In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all signatories have concurred in the filing of this document.

~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation, **IT IS HEREBY ORDERED THAT:**

1. The obligation to file joint status reports in this matter is hereby **STAYED** until appropriations have been restored;
2. All deadlines in this case are extended for a period of time commensurate with the duration of the lapse in appropriations; and
3. The Government will promptly notify the Court as soon as appropriations have been restored.

IT IS SO ORDERED.

DATED: **October 2, 2025.**

